

## **REMARKS**

The pending Office Action addresses and rejects claims 1, 3-15, and 37-46.

At the outset, Applicants thank Examiner Ramana and Examiner Roberts for extending the courtesy of a personal interview with Applicant's attorney on January 27, 2005. During the interview, an agreement was reached that the claims, as amended, distinguish over the art of record.

### ***Amendments to the Claims***

Applicant amends claim 1 to clarify that the first and second opposed tissue penetrating claws are movable about a pivot point, and to recite that the flexible member is secured to the body at the pivot point. Claim 1 is also amended to recite a biasing element that extends between first and second opposed actuating members. Applicants also cancel claim 10 and amend several dependent claims to correspond to amended claim 1. Support for these amendments can be found throughout the specification. No new matter is added.

### ***Claim Objections***

The Examiner objects to claims 7-15 as being substantial duplicates of claims 38-46. Claims 7-15 depend from claim 1 which, as amended, now recites features not present in independent claim 38. Accordingly, claims 7-15 are no longer substantial duplicates of claims 38-46, and therefore reconsideration and withdrawal of this objection is respectfully requested.

### ***Rejections Pursuant to 35 U.S.C. §103(a)***

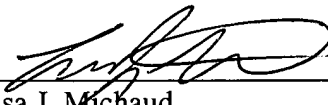
As indicated in the Interview Summary dated January 27, 2005, the Examiner has agreed to withdraw the pending rejections, as the claims now distinguish over the art of record.

***Conclusion***

In view of the remarks above, Applicants submit that claims 1, 3-9, 11-15, and 37-46 are in condition for allowance, and allowance thereof is respectfully requested. Applicants encourage the Examiner to telephone the undersigned in the event that such communication might expedite prosecution of this matter.

Respectfully submitted,

Date: January 28, 2005

  
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